

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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THE BRANCH OF CITIBANK, N.A.
ESTABLISHED IN THE REPUBLIC OF
ARGENTINA,

Petitioner,

- against -

ALEJANDRO DE NEVARES,

Respondent.

21 CV 6125 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

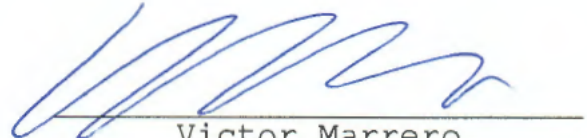
The Court has reviewed respondent Alejandro De Nevares's pre-motion letter regarding his intention to move under F.R.C.P. 60(b) to vacate the Court's February 13, 2022 Decision and Order (see Dkt. No. 65), as well as petitioner The branch of Citibank, N.A. established in the Republic of Argentina's letter in opposition. (See Dkt. Nos. 75-76.) The Court has determined that a pre-motion conference and further briefing is unnecessary and will treat De Nevares's letter as a filed motion.

Because De Nevares has a pending appeal of the Court's Decision and Order, the Court lacks jurisdiction over the motion, except to "defer consideration of the motion;" "deny the motion; or" "state either that it would grant the motion if the court of appeals remands for that purpose or that the

motion raises a substantial issue." See Toliver v. County of Sullivan, 957 F.2d 47, 49 (2d Cir. 1992); F.R.C.P. 62.1. Accordingly, De Nevares's motion is DENIED.

SO ORDERED.

Dated: 29 December 2022
New York, New York



Victor Marrero
U.S.D.J.